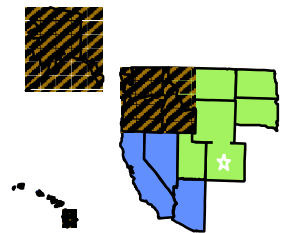




**US Army Environmental Center  
Western Regional Environmental Office  
REGION 8 – MAY 2005**

# **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. We appreciate your feedback. Please contact Bob Gurdikian at WREO, U.S. Custom House, 721 19<sup>th</sup> St., Room 427, Denver, CO 80202-2500; Phone: (303) 844- 0952, or fax: (303) 844-0951.

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## **WREO Information About Monthly Reviews**

The Monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: [jmiller@rma.army.mil](mailto:jmiller@rma.army.mil). Write "Subscription" in the subject line and include your name and e-mail address.

The WREO's mission is to support the Army/DoD through coordination, communication, and facilitation of regional environmental issues and activities. Part of its mission is to provide the regional reviews of legislative and regulatory issues to the Army/DoD in the Western Region. When used within the framework of ISO 14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. The information contained in this review is current as of the 20<sup>th</sup> day of the previous month.

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## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

**PROPOSAL TO EXEMPT AREA SOURCES SUBJECT TO NESHAP FROM FEDERAL AND STATE OPERATING PERMIT PROGRAMS** – On March 25, 2005 ([70 FR 15250](#)), the United States Environmental Protection Agency (USEPA) announced it is proposing to permanently exempt five categories of non-major (area) sources from the National Emission Standards for Hazardous Air Pollutants (NESHAP) Title V operating permit program. The five source categories are dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide sterilizers, and secondary aluminum smelters. The USEPA also proposed to decline exempting the secondary lead smelter NESHAP area source. Comments are due May 24, 2005. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

**RECONSIDERATION OF NONATTAINMENT MAJOR NSR IMPLEMENTATION UNDER 8-HOUR OZONE NAAQS** – On April 4, 2005 ([70 FR 17018](#)), the USEPA announced it is requesting comment on issues raised in a petition for reconsideration of USEPA's rule to implement the 8-hour ozone National Ambient Air Quality Standard (NAAQS). Specifically, the USEPA is requesting comment on whether it should interpret the Clean Air Act (CAA) to require areas to retain major New Source Review (NSR) requirements that apply to certain 1-hour ozone nonattainment areas in implementing the 8-hour standard, and whether the USEPA properly concluded that a state's request to remove 1-hour major NSR programs from its state implementation plan (SIP) will not interfere with any applicable requirement within the meaning of Section 110(l) of the CAA. Comments were due May 4, 2005. For more information, contact Lawrence Webber, USAEC, at (410) 436-1213.

**REVISION OF FINDING ON THE EMISSIONS OF HAZARDOUS AIR POLLUTANTS FROM ELECTRIC UTILITY STEAM GENERATING UNITS** – On March 29, 2005 ([70 FR 15993](#)), the USEPA announced it is revising the regulatory finding that it issued in December 2000 pursuant to Section 112(n)(1)(A) of the CAA. Based on this revision, the USEPA is removing coal- and oil-fired electric utility steam generating units from the CAA section 112(c) source category list. The final rule was effective on March 29, 2005. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

**POTENTIALLY INADEQUATE MONITORING UNDER TITLE V** – On February 16, 2005, the USEPA announced it is requesting comments to help identify statutory monitoring requirements in Title V operating permits that is potentially inadequate. The comment period has been extended ([70 FR 19914](#)) to June 17, 2005. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

#### WATER INFORMATION:

None.

### **WASTE INFORMATION:**

**METHODS FOR ASSESSING AND MONITORING THE REMEDIATION OF CONTAMINATED SEDIMENT SITES** - The USEPA National Exposure Research Laboratory (NERL) has posted the new version of "Compendium of Chemical, Physical and Biological Methods for Assessing and Monitoring the Remediation of Contaminated Sediment Sites" (EPA/600/R-03/108, April, 2004). For more information, see <http://www.epa.gov/nerleerd/methman.htm>.

**ELECTRONIC HAZARDOUS WASTE MANIFEST** – On April 6, 2005 ([70 FR 17385](#)), the USEPA announced it is deferring final action on the electronic hazardous waste manifest pending further analysis, outreach, and possible supplemental proposals. Consequently, the US Department of Transportation (USDOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) is withdrawing a proposed rulemaking published on August 8, 2001 that would have amended the hazardous materials regulations to accommodate electronic hazardous waste manifests.

### **GENERAL INFORMATION:**

**EPA GUIDELINES FOR CARCINOGEN RISK ASSESSMENT** – The USEPA has issued final "Guidelines for Carcinogen Risk Assessment" (EPA/630/P-03/001B), and an associated document entitled "Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens." Both documents, and related fact sheets are available at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=116283>.

**EXPOSURE RELATED DOSE ESTIMATING MODEL (ERDEM)** – The USEPA has released a report on the use of the ERDEM for assessing human exposure and related software. The ERDEM framework provides a modeling tool for characterizing exposures of presumably susceptible subpopulations, e.g. infants and children and calculating estimated internal doses. The report is at [http://www.epa.gov/heasdweb/erdem/erdem\\_report.pdf](http://www.epa.gov/heasdweb/erdem/erdem_report.pdf). The model and related information is at <http://www.epa.gov/heasdweb/erdem/erdem.htm>.

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## OTHER FEDERAL INFORMATION

**EFFECTIVE MANAGEMENT OF INVASIVE WEEDS** – The Government Accountability Office has issued a report addressing federal agency management of invasive weeds. The report describes the entities that address invasive weeds in natural areas and the funding sources they use; the views of federal, state, and local weed management officials on the barriers to weed management; and their opinions about how additional resources for weed management could be distributed. For more information, see <http://www.gao.gov/new.items/d05185.pdf>.

**CONTRACTORS' SAFETY FOR AMMUNITION AND EXPLOSIVES** – On March 29, 2005 ([70 FR 16037](#)), the Department of Defense (DoD) released revised explosives safety standards for ammunition and explosives (A&E) work performed under DoD contracts. This proposed rule seeks to minimize the potential for mishaps that could interrupt DoD operations; delay project completion dates; adversely impact DoD production base or capability; damage or destroy DoD-owned material/equipment; cause injury to DoD personnel; or endanger the general public. Comments are due on May 31, 2005.

**PROPOSED DESIGNATION OF CRITICAL HABITAT FOR THE SOUTHWESTERN WILLOW FLYCATCHER** – On March 31, 2005 ([70 FR 16474](#)), the United States Fish and Wildlife Service (USFWS) announced the extension of the public comment period for the proposal to designate critical habitat for the southwestern willow flycatcher. According to the proposed rule, no critical habitat for the southwestern willow flycatcher has been proposed for designation on Army property. It is not known if the USFWS considered all the smaller Army properties within the area proposed for critical habitat. The deadline for submitting comments on this proposal was extended to May 31, 2005. For more information, contact Jay Rubino, USAEC, at (410) 436-1564.

**NATIONAL ENVIRONMENTAL CONFLICT RESOLUTION ADVISORY COMMITTEE REPORT** – The US Institute for Environmental Conflict Resolution has released the final report of their National Environmental Conflict Resolution Advisory Committee. The committee report advocates use of the environmental conflict resolution processes in agency decision-making to foster decisions meeting the broad environmental goals expressed by Congress in NEPA Section 101. The report reviews environmental conflict resolution processes, provides case studies, and information on available federal agency training on alternative dispute resolution. The report is available at <http://www.ecr.gov/necrac/pdf/NECRACfinal.pdf>.

**APPLICABILITY OF THE HAZARDOUS MATERIALS REGULATIONS TO LOADING, UNLOADING, AND STORAGE** – The Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) has issued clarifying amendments to the final rule published on October 30, 2003 which addressed loading, unloading, and storage operations in hazardous material transportation ([70 FR 20017](#)). The amendments incorporate new definitions of pre-transportation function, transportation, movement, loading incidental to movement, unloading incidental to movement, and storage incidental to movement. The final rule is effective June 1, 2005. For more information, contact Mike Eck, USAEC at (410) 436-1265.



## UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
<b>DSMOA Training</b>	N/A	Online	The training, presented by the Air Force Center for Environmental Excellence (AFCEE) Web University is designed to provide information needed for the project manager to successfully execute the DoD and State Memorandum of Agreement Program. <a href="https://webu.brooks.af.mil/webu/secure/onlinecourse.asp">https://webu.brooks.af.mil/webu/secure/onlinecourse.asp</a>
<b>Training Exchange</b>	Ongoing	Multiple Sites	This Web site details information on various training opportunities from the USEPA, Interstate Technology Regulatory Council, and others. <a href="http://www.trainex.org">www.trainex.org</a>
<b>The US Army Logistics Management College</b>	Ongoing	Multiple Sites	Various training classes are available for Army, Reserve, and National Guard personnel. <a href="http://www.almc.army.mil/EMD/Page5.html">www.almc.army.mil/EMD/Page5.html</a>
<b>Introduction to Environmental Management Systems Training</b>	N/A	Online	This course provides an overview of EMS and how it can support environmental improvements at facilities that are subject to environmental regulations. The training course takes about one hour to complete. <a href="http://www.epa.gov/epaoswer/hazwaste/permit/ems/ems-101/ems101.htm">http://www.epa.gov/epaoswer/hazwaste/permit/ems/ems-101/ems101.htm</a>
<b>The US Army Corps of Engineers (USACE) Professional Development Support Center</b>	Ongoing	Multiple Sites	The Professional Development Support Centers hosts a range of environmental courses to meet the technical needs of professionals in various government agencies. Access the course catalog at <a href="http://pdsc.usace.army.mil/">http://pdsc.usace.army.mil/</a> .
<b>USDA Forest Service Continuing Education Program</b>	October 2004–September 2005	Multiple Sites	During Fiscal Year 2005 (October 2004–September 2005), the Watershed, Fish, Wildlife, Air, and Rare Plants staff at the USDA Forest Service are scheduling continuing education programs for natural resource professionals. For a complete listing of class schedules and dates, please see: <a href="http://www.fs.fed.us/biology/education">www.fs.fed.us/biology/education</a> .
<b>Environmental Management Systems (EMS) Training</b>	May 3–4, 2005	Bethesda, MD	The U.S. Departments of Health and Human Services, Agriculture and Transportation, with support from the Office of the Federal Environmental Executive, have scheduled this no cost training at the National Institutes of Health (NIH) Bethesda campus. Attendees from various federal agencies are invited to attend. The theme for this workshop will be EMS "Tying Together all the Pieces". For more information on this workshop, contact Camille Beven at (202) 619-3690. <a href="http://www.ofee.gov/ems/training/HHS04.htm">http://www.ofee.gov/ems/training/HHS04.htm</a>
<b>Global Demilitarization Symposium and Exhibition</b>	May 5-9, 2005	Sparks, NV	This annual event continues to support DoD in numerous efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. <a href="http://register.ndia.org/interview/register.ndia?#May2005">http://register.ndia.org/interview/register.ndia?#May2005</a>
<b>Managing Conflict Workshop</b>	May 11-12, 2005	Ft. Lewis, WA	This workshop benefits military and civilian personnel and contractors from Defense Agencies, uniformed services who interact and communicate with internal and external audiences in challenging situations related to health, environmental safety, deployment, homeland security, encroachment, sustainability, and emergency response. To register on-line, go to <a href="http://chppm-www.apgea.army.mil/risk">http://chppm-www.apgea.army.mil/risk</a> and click on "Training" icon. Scroll to "Managing Conflict Workshops".



EVENT	DATE	LOCATION	DETAILS
<b>World Water and Environmental Resources Conference</b>	May 15-19, 2005	Anchorage, AK	Engineers, biologists, policymakers, regulators, government officials, economists, industrialists, managers, manufacturers, researchers, consultants, and other professionals interested in issues relating to water and the environment should attend. It is presented by the Environmental & Water Resources Institute of the American Society of Civil Engineers. The technical sessions will cover: the role of simulation models in adaptive management of environmental systems, hydrologic impacts of changing climate patterns, irrigation adaptation to changing water supplies, social impacts and infrastructure modification due to rising sea levels, and biological responses to changing climates. <a href="http://www.asce.org/conferences/ewri05/">http://www.asce.org/conferences/ewri05/</a>
<b>Call for Papers: National Registry of Environmental Professionals Annual Technical Conference</b>	June 1, 2005	Las Vegas, NV	The conference Selection Committee is seeking individual presentations of case histories or programs on a wide variety of environmental topics. Submit abstracts to <a href="mailto:papers@nrep.org">papers@nrep.org</a> . Conference is October 19-20, 2005.
<b>8<sup>th</sup> Annual In Situ and On-Site Bioremediation Symposium</b>	June 6-9, 2005	Baltimore, MD	The symposium will facilitate technology transfer and integrate the latest developments in fundamental research with innovative engineering application. <a href="http://www.battelle.org/environment/er/conferences/biosymp/default.stm">http://www.battelle.org/environment/er/conferences/biosymp/default.stm</a>
<b>CERCLA/RCRA Course</b>	June 7-10, 2005	San Francisco, CA	This course is designed to train personnel on the Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA) hazardous substance response process and the Resource Conservation and Recovery Act (RCRA) corrective action process as it relates to the DoD. For more information, contact the Professional Development Support Center Registrar at the Training Center at (256) 895-7425. Course Control Number – 356 Course Number 33HEL01A.
<b>Threatened, Endangered, and At-Risk Species Research Symposium and Workshop</b>	June 7-9, 2005	Baltimore, MD	The goal of this Symposium & Workshop is to define and evaluate TER-S research relevant to DoD. <a href="http://www.serdp.org/tesworkshop/">http://www.serdp.org/tesworkshop/</a>
<b>Hazardous Waste Manifesting/DOT Recertification Course</b>	June 8-9, 2005	Jacksonville, FL	This 16-hour course provides recurrent training regarding regulatory requirements of the Hazardous Materials Transportation Act and the RCRA as it applies to generation, transportation, and disposal of hazmat, focusing upon hazardous waste. For more information, contact the Professional Development Support Center Registrar at the Training Center at (256) 895-7425. Course Control Number – 429 Course Number 56HWR01A.
<b>American Water Works Association Annual Conference &amp; Exhibition</b>	June 12-16, 2005	San Francisco, CA	The professional program presents issues covering all aspects of water, with the best minds in the industry presenting the latest information. <a href="http://www.awwa.org/ace2005/programs/">http://www.awwa.org/ace2005/programs/</a>
<b>Ecobuild America</b>	June 20-23, 2005	Orlando, FL	An innovative, comprehensive conference programs with more than 100 other green building, sustainable design, environmental planning, and information technology courses for the entire built environment team. <a href="http://www.ecobuildamerica.com/conference.htm">http://www.ecobuildamerica.com/conference.htm</a>
<b>Natural Resources Compliance</b>	June 21-24, 2005	Silverdale, WA	This course, offered by the Civil Engineer Corps Officers School offers instruction in specific natural resource laws, regulations, policies, DoD Instructions, and other guidance, noting service-specific requirements. <a href="https://www.cecos.navy.mil/coursedetail.cfm?courseid=42">https://www.cecos.navy.mil/coursedetail.cfm?courseid=42</a>
<b>USEPA Community Involvement Conference and Training</b>	July 12-15, 2005	Buffalo, NY	The theme of the conference is "Building Bridges Through Strong Partnerships". <a href="http://www.epancic.org/2005/overview.cfm">http://www.epancic.org/2005/overview.cfm</a>
<b>2005 Watershed Management Conference</b>	July 19-22, 2005	Williamsburg, VA	Sponsored by the American Society of Civil Engineers and the Environmental and Water Resources Institute. The theme for the conference is "Managing Watersheds for Human and Natural Impacts: Engineering, Ecological, and Economic Challenges". <a href="http://www.asce.org/conferences/watershedmanagement2005/">http://www.asce.org/conferences/watershedmanagement2005/</a>

EVENT	DATE	LOCATION	DETAILS
<b>Environmental Regulations-Practical Application</b>	August 8-12, 2005	Omaha, NE	This course is designed to further the student's understanding and ability to apply the technical requirements of various major federal environmental regulations. For more information, contact the Professional Development Support Center Registrar at the Training Center at (256) 895-7425. Course Control Number – 398 Course Number 33MEC01A.
<b>Introduction to Cultural Resource Management Laws and Regulations</b>	August 17-19, 2005	Seattle, WA	This three-day course, offered by the Civil Engineer Corps Officers School, provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. <a href="https://www.cecos.navy.mil/coursedetail.cfm?courseid=25">https://www.cecos.navy.mil/coursedetail.cfm?courseid=25</a>
<b>2<sup>nd</sup> Sustainable Range Management Conference &amp; Exhibition</b>	August 22-25, 2005	San Antonio, TX	This conference is designed to facilitate exchange of information among stakeholders concerned with how military ranges and training areas can be used to test and evaluate weapons systems and train DoD personnel without conflicting with economic, environmental, and safety concerns. <a href="http://www.rangecon.org">www.rangecon.org</a>
<b>Brownfields 2005</b>	November 2-4	Denver, CO	Learn about brownfields cleanup, redevelopment, and reuse. Sponsored by the USEPA and the International City/County Management Association. <a href="http://www.brownfields2005.org/en/index.aspx">http://www.brownfields2005.org/en/index.aspx</a>

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## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



## COLORADO

### Regulatory Developments & Other State Information

#### AIR INFORMATION:

**AMENDMENT OF REGULATION 12, EMISSIONS TESTING** – The Air Quality Control Commission (AQCC) of the Colorado Department of Public Environment (CDPHE) has adopted amendments to Regulation 12 that change the emissions testing requirement from annual to biennial and revise obsolete provisions. The amendments were adopted at a hearing on March 18, 2005. The amendments are now pending publication in the Colorado Register. For more information, contact Douglas Lempke at (303) 692-3478.

**REVISIONS TO TWO-SPEED IDLE REGULATION** – The AQCC has revised Regulation 11 to remove the two-speed idle test program for the Colorado Springs, Fort Collins, Loveland and Greeley areas. The AQCC adopted the revisions on February 17, 2005. The amendments have an effective date of April 29, 2005. For more information, contact Kim Livo at (303) 692-3134.

#### WATER INFORMATION:

**TRIENNIAL REVIEW FOR REVISIONS TO THE BEAR CREEK WATERSHED CONTROL REGULATION** – The Water Quality Control Commission (WQCC) of CDPHE has adopted revisions to Regulation 74 for the Bear Creek watershed. The WQCC approved the revisions at a public hearing held on April 12, 2005. The revisions become effective on May 30, 2005. For more information, contact Diana Glaser at (303) 692-3469. The rule website is available at [http://www.dora.state.co.us/pls/real/SB121\\_Web.Show\\_Rule?p\\_rule\\_id=899](http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=899).

**TRIENNIAL REVIEW OF CHATFIELD RESERVOIR CONTROL REGULATION** – The WQCC is performing a triennial review to consider revisions to Regulation 73 for the Chatfield Reservoir. A rulemaking hearing to consider revisions to this regulation is scheduled for October 11, 2005. For more information, contact Diana Glaser at (303) 692-3469.

**TRIENNIAL REVIEW FOR DISCHARGE TO STORM SEWERS CONTROL REGULATION** - The WQCC is proposing revisions to Regulation 65 regarding discharge to storm sewers control. The amendments are scheduled to be heard at public hearing on July 11, 2005. The deadline for party status was April 26, 2005. For more information, contact David Akers at (303) 692-3591. The draft rule is available at [http://www.dora.state.co.us/pls/real/SB121\\_Web.Show\\_Rule?p\\_rule\\_id=1106](http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1106).

**MANAGEMENT AND CONTROL OF DESIGNATED GROUND WATER** – The Colorado Department of Water Resources has made amendments that: change Rule 5.2.2 to indicate that no new appropriation may be granted that depletes any stream within the Republican River



Drainage, absent a replacement plan; clarify that a new appropriation may be granted over an appropriated 3-mile circle if an approved replacement plan is in place; and clarify that the Ogallala aquifer includes the alluvium as indicated in both the Northern High Plains Designation Order and the Northern High Plains Designation Report. The amendments were approved and became effective on February 1, 2005. For more information, contact Hal Simpson (303) 866-3587.

#### **MANAGEMENT AND CONTROL OF DESIGNATED GROUND WATER REGULATION, RULE**

**5.12** – The Ground Water Commission is proposing to add Rule 5.12 that would apply to designated ground water within the designated ground water basins in Colorado. The proposed rule would facilitate implementation of water conservation programs through the recognition of permanent surrender of future water rights in exchange for qualification in the Natural Resources Conservation Service, Environmental Quality Incentives Program. The rule would only apply to Commission-approved water conservation programs. A hearing will be held on May 20, 2005. For more information, contact Hal Simpson at (303) 866-3587.

#### **WASTE INFORMATION:**

**ASBESTOS AND ASBESTOS-CONTAMINATED SOIL** – The CDPHE is preparing changes to the Colorado Solid Waste Regulations that include revisions to the disposal of asbestos containing waste in soils. Three workgroups have been formed: to address asbestos-contaminated soil regulations; to develop an asbestos-contaminated soil guidance to assist in implementing the regulations; and revisions to existing asbestos waste disposal regulations to incorporate asbestos containing soils. These workgroups will hold public meetings in spring 2005. A follow-up meeting in June 2005 is anticipated. The workgroups will convene to discuss approaches for bringing the regulatory changes before the Board of Health for promulgation. For more information, contact Joe Schieffelin at (303)692-3356.

**CLEANUP LEVELS FOR UNDERGROUND STORAGE TANKS** – The CDPHE along with the Department of Labor and Employment's Oil and Public Safety Division has adopted a methyl-tert-butyl ether (MTBE) containment level for underground storage tanks for retail distributors. Contaminant levels have been set at 20 ppb for soil and 20 ppm for water. The amendments add MTBE as a chemical of concern; update risk based screening levels (RBSLs) to incorporate new WQCC standards for ethylbenzene and xylenes; and correct RBSLs for the subsurface soil leachate to groundwater ingestion pathway for toluene and xylenes. The amendments will also update the entire regulation to change the names: Oil Inspection Section to Division of Oil and Public Safety; and State Inspector of Oils to Director of the Division of Oil and Public Safety. The regulation was adopted at the March 30, 2005 hearing and has an effective date of May 30, 2005. For more information, contact Jennifer Steffes at (303) 318-8539.

**AMENDMENTS TO RADIATION CONTROL REGULATIONS** - The CDPHE Hazardous Materials and Waste Management Division (HMWMD) has amended 6 CCR 1007-1 Parts 2 and 12 of the Colorado Radiation Control Regulations. The amendments to Part 2 incorporate needed additions, corrections, and modifications in order to maintain conformity with the national framework of the suggested state regulations for the control of radiation. The revisions to Part 12 amend the fee structure charged by the HMWMD for the performance of radiation control services. The HMWMD has also proposed amendments to Parts 1, General Provisions and 7, Use of Radionuclides in the Healing Arts, of the Radiation Control Regulations. The changes to Part 1 are necessary to allow for future amendments to regulations concerning the transportation of radioactive material. The revisions to Part 7 update the Colorado rules with recent Nuclear Regulatory Commission rulemakings. The amendments to Parts 2 and 12 were

adopted on March 15, 2005. The proposed amendments to Parts 1 and 7 will be considered by the Board of Health on May 18, 2005. For more information, contact Steve Tarlton at (303) 692-3423. The finalized language for Parts 2 and 12 will be available at <http://www.cdphe.state.co.us/op/regs/radiationregs.asp>.

### **Legislative Developments**

**A summary of environmental bills considered by the State Legislature is listed below. Underlined text contains information included since the last published Region Review. The 2005 legislative session began on January 12, 2005 and will end on May 5, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.co.us/>.**

**COLORADO HB 1011 – RECYCLING** – Proposes to exempt a transporter of solid waste and recyclables from covering a load, or utilizing equivalent technology, when the vehicle is loaded in such a manner, that the contents will not escape from the vehicle. The bill was introduced January 14, 2005 and assigned to the Transportation and Energy Committee. The bill passed the House on February 7, 2005. The bill was introduced and referred to the Senate Transportation Committee on February 8, 2005. The bill passed the full Senate on March 7, 2005. The House considered Senate amendments and repassed the bill on March 11, 2005. The bill was signed by the Governor on April 5, 2005. The sponsor is Representative Jim Reisburg (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/287C27ED017E728F87256F63007F1B66?Open&file=1011\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/287C27ED017E728F87256F63007F1B66?Open&file=1011_01.pdf)

**COLORADO HB 1070 – WATER** – Proposes to invalidate restrictive covenants that prohibit or limit the use of xeriscape landscaping or that require cultivated vegetation to include turf grass; prohibit landscape irrigation at public facilities between the hours of 7 a.m. and 7 p.m.; and create an exception to the definition of abandonment of a water right for periods of nonuse that are caused by the implementation of bona fide water conservation efforts as determined on a case-by-case basis by the state engineer. The bill was introduced and referred to the Natural Resources and Livestock Committee on January 14, 2005. The bill passed the House on February 14, 2005. The bill was introduced and referred to the Senate Agriculture, Natural Resources and Energy Committee on February 15, 2005. The bill passed Committee on March 16, 2005. The bill passed the Senate on March 29, 2005. The House concurred with the Senate on April 8, 2005. The sponsor is Representative Paul Martin Weissmann (D).

[http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/5073304186E889D787256F5C006722F5?Open&file=1070\\_01.pdf](http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/5073304186E889D787256F5C006722F5?Open&file=1070_01.pdf)

**COLORADO HB 1123 – WATER** – Proposes to require the Division of Water Resources Engineer to attempt to serve personal notice of a water diversion curtailment order on the owner of the water right. The bill was introduced and referred to the House Agriculture, Livestock, and Natural Resources Committee on January 17, 2005. The bill was tabled on January 31, 2005. The sponsor is Senator Wes McKinley (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/F74F777E3545803B87256F6B007B99C6?Open&file=1123\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/F74F777E3545803B87256F6B007B99C6?Open&file=1123_01.pdf)

**COLORADO HB 1126 – SOLID WASTE** – Proposes to require waste haulers to transport waste tires only to a waste tire storage site and register with the CDPHE. The bill was introduced and referred to the House Transportation and Energy Committee on January 17, 2005. The bill was referred to the Appropriations Committee on February 9, 2005. The bill passed the House on April 15, 2005 and was referred to the Senate Transportation Committee on April 20, 2005. The sponsor is Senator Mike May (R).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/A745E223DCE1C5E987256F390070BED1?Open&file=1126\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/A745E223DCE1C5E987256F390070BED1?Open&file=1126_01.pdf)

**COLORADO HB 1177 - WATER CONSERVATION** – Proposes to create a 25-member committee to negotiate interbasin compacts to promote the equitable use of the state's waters. The bill was introduced and referred to the Agriculture, Livestock and Natural Resources Committee on January 20, 2005. The bill passed on February 28, 2005 and was referred to the Appropriations Committee. The bill passed the Appropriations Committee on March 18, 2005. The bill passed the House on March 30, 2005. The bill was referred to the Senate Agriculture, Natural Resources, and Energy Committee on April 1, 2005. The bill was reported from Committee and referred to the Appropriations Committee on April 14, 2005. The sponsor is Representative Joshua Penry (R).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/3F94A053189A6DE587256F6A0080FFA9?Open&file=1177\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/3F94A053189A6DE587256F6A0080FFA9?Open&file=1177_01.pdf)

**COLORADO HB 1181 – GROUNDWATER** – Proposes to allow water judges to include a change of water right terms to prohibit them from adversely affecting the quality of water to meet the normal requirements of use of downstream appropriators. The bill was introduced on January 25, 2005 and referred to the Agriculture, Livestock and Natural Resources Committee. The bill was postponed indefinitely as of February 7, 2005. The sponsor is Representative Rafael Gallegos (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D56558EDE402C9C887256F65006807C3?Open&file=1181\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D56558EDE402C9C887256F65006807C3?Open&file=1181_01.pdf)

**COLORADO HB 1185 – GROUNDWATER** – Proposes to specify that the 5-year duration limit for a substitute water supply plan that relates to a temporary change of use of water for which no adjudication application has been filed. The bill applies to the period during which such temporary change may operate rather than to the depletions associated with the change. The bill was introduced and referred to the Agriculture, Livestock and Natural Resources Committee on January 26, 2005. The bill died due to failure to pass its second reading on March 22, 2005. The sponsor is Representative Greg Brophy (R).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/52B34E629ABF5A1A87256F8900044A06?Open&file=1185\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/52B34E629ABF5A1A87256F8900044A06?Open&file=1185_01.pdf)

**COLORADO HB 1215 – WATER** – Proposes to define a "fallowing agreement" as an agreement between irrigation water rights owner that agrees to stop use of a portion of the water rights for a specified length of time and the water provider that is authorized to use the water right for his/her own purposes. The bill was introduced referred to the Agriculture, Livestock and Natural Resources Committee on February 3, 2005. The bill has been postponed indefinitely. The sponsor is Representative Mary Hodge (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/98D45A4F4E8A375087256F7E008119E8?Open&file=1215\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/98D45A4F4E8A375087256F7E008119E8?Open&file=1215_01.pdf)

**COLORADO HB 1230 - LAND USE** – Proposes to increase the maximum and minimum amount of the civil penalty imposed for violation of a county zoning or building code ordinance. The bill was introduced and referred to the Committee on Local Government on February 4, 2005. The bill was reported from Committee on February 22, 2005 and passed the House on March 2, 2005. The bill was introduced and referred to the Senate Local Government Committee on March 7, 2005. The bill reported from Committee on March 22, 2005. The bill passed the Senate on March 30, 2005. On April 8, 2005, the House concurred with the Senate amendments. The sponsor is Representative Paul Martin Weissmann (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/442CA15F6F06015B87256F89007F3C16?Open&file=1230\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/442CA15F6F06015B87256F89007F3C16?Open&file=1230_01.pdf)

**COLORADO HB 1254 - WATER CONSERVATION** – Proposes to establish a water efficiency grant program to provide funding over a 3-year period to aid in achieving the water efficiency goals outlined in locally adopted water conservation plans and in promoting the benefits of water efficiency. The bill was introduced and referred to the Committee on Local Government on February 3, 2005. The bill was referred to the Appropriations Committee on February 22, 2005. The bill passed the Appropriations Committee on March 18, 2005. The bill passed the House on March 30, 2005. The bill was referred to the Senate Local Government Committee on April 1, 2005. The bill was reported from Committee and sent to the Appropriations Committee on April 12, 2005. The sponsor is Representative Tom Plant (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/ACD325B9EAA9488D87256F3A006AFE4D?Open&file=1254\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/ACD325B9EAA9488D87256F3A006AFE4D?Open&file=1254_01.pdf)

**COLORADO HB 1256 - SOLID WASTE** – Proposes to establish a statewide goal to divert at least 30% of solid waste from the waste stream by recycling, reusing, composting, and other waste management strategies by the year 2008 and at least 50% by the year 2015; impose a fee on persons who dispose of solid waste at attended solid waste disposal sites; and direct the state treasurer to transmit the fees collected to the integrated waste management fund. The bill was introduced and referred to the Committee on Local Government on February 7, 2005. The bill was passed and referred to the Appropriations Committee on March 15, 2005. The sponsor is Representative Angie Paccione (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/27971A004435D5B187256F5B0077101F?Open&file=1256\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/27971A004435D5B187256F5B0077101F?Open&file=1256_01.pdf)

**COLORADO HB 1290 - ALTERNATIVE FUELS** – Proposes to maintain the amount of the tax credit for the purchase of low-emitting vehicles using alternative fuels, which would otherwise be reduced in the year 2006, until the year 2009. The bill also proposes that hybrid vehicles and inherently low-emission vehicles may be operated on a publicly financed toll highway or toll lane without payment of a toll. The bill was introduced and referred to the Transportation & Energy Committee and the Finance Committee on February 11, 2005. The bill passed both committees and was referred to the Appropriations Committee on March 1, 2005. The bill was reported from Committee on April 7, 2005. The bill passed the House on April 15, 2005 and was referred to the Senate Finance Committee on April 20, 2005. The sponsor is Representative John V. Pommer (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D153999B5462412087256F9C008144DA?Open&file=1290\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D153999B5462412087256F9C008144DA?Open&file=1290_01.pdf)

**COLORADO HB 1293 - AIR TOXICS** – Proposes to establish the reduction rate for reducing uncontrolled sulfur dioxide or oxides of nitrogen by a coal-fired power plant subject to a voluntary agreement to guarantee a 15-year assurance period. The bill was introduced and referred to the House Transportation and Energy Committee on February 16, 2005. The bill passed and was referred to the Appropriations Committee on March 18, 2005. The bill passed the House on March 30, 2005 and was referred to the Senate Business Labor and Technology Committee on April 1, 2005. The sponsor is Representative John V. Pommer (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D3E7D5C43F6CF26887256F97005C56C6?Open&file=1293\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D3E7D5C43F6CF26887256F97005C56C6?Open&file=1293_01.pdf)

**COLORADO SB 33 – GROUNDWATER** – Proposes to require additions or modifications to the project eligibility lists (made after January 1, 2006) for the Water Pollution Control Revolving Fund and the Drinking Water Revolving Fund that are approved by joint resolution to be sent to and signed by the governor by April 1. The bill was introduced on January 14, 2005 and referred to the Senate Agriculture Committee. The bill passed the Senate on January 28, 2005.

The bill was received by the House Agriculture, Livestock and Natural Resources Committee on February 1, 2005. The bill passed the House on March 15, 2005. The bill was signed by the Governor on April 14, 2005. The sponsor is Senator Lewis Entz (R).

[http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/3BAC61FB8908B5CC87256F3A0066537A?Open&file=033\\_01.pdf](http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/3BAC61FB8908B5CC87256F3A0066537A?Open&file=033_01.pdf)

**COLORADO SB 46 – WATER** - Proposes to create a Department of Water Resources and transfer all water-related powers from existing state agencies. The bill was introduced and referred to the Senate Agriculture, Natural Resources, and Energy Committee. The Committee postponed the bill indefinitely as of February 16, 2005. The sponsor is Senator John Evans (R).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/C5D7B589A6C113F387256F6C007C9AAD?Open&file=046\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/C5D7B589A6C113F387256F6C007C9AAD?Open&file=046_01.pdf)

**COLORADO SB 63 - VOLUNTARY REMEDIATION** – Proposes to permit urban renewal plans by a local governing body and remove economic liability from the definition of "blighted area" in connection with an alternative requirement that may be shown to demonstrate that a particular area is blighted for purposes of statutory provisions governing urban renewal. The bill was introduced and referred to the Senate Local Government Committee on January 19, 2005. The bill was reported from Committee on March 3, 2005. The second Senate reading was laid over as of April 20, 2005. The sponsor is Representative Lois Tochtrop (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/A69B803A3E15B4CE87256F56005CF88A?Open&file=063\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/A69B803A3E15B4CE87256F56005CF88A?Open&file=063_01.pdf)

**COLORADO SB 80 – LAND USE** – Proposes to require each local government within whose territorial boundaries is located all or any portion of specified military installations to timely provide the commanding officer of that installation information relating to proposed changes to the local government's comprehensive plan that, if approved, would significantly affect the land use within the area. The bill proposes to require that local governments allow military installations to submit comments and consider those comments. The bill was introduced on January 17, 2005 and assigned to the Senate Local Government Committee. The bill passed the Senate on February 22, 2005. The bill was introduced and referred to the House Local Government Committee on February 23, 2005. The bill passed the House on March 21, 2005. The bill was signed by the Governor on April 14, 2005. The sponsor is Senator Doug Lamborn (R).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/CA067EBA8747D8B387256F5D005C0EFA?Open&file=080\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/CA067EBA8747D8B387256F5D005C0EFA?Open&file=080_01.pdf)

**COLORADO SB 133 – WATER CONSERVATION** - Proposes to specify that participation by a water right in an approved water conservation program overcomes the presumption of abandonment of that water right. The bill was introduced and referred to the Senate Agriculture, Natural Resources, and Energy Committee on January 31, 2005. On February 21, 2005, the bill passed the Senate. The bill passed the House on March 21, 2005 and was signed by the Governor on April 14, 2005. The sponsor is Senator Lewis Entz (R).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/FBB0C9C9D434B64487256F890076CA49?Open&file=133\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/FBB0C9C9D434B64487256F890076CA49?Open&file=133_01.pdf)

**COLORADO SB 141 – WASTE DISPOSAL** – Proposes to prohibit the land disposal of lead-acid batteries and establish a collection system and recycling program for batteries. The bill was introduced and referred to the Senate State, Veterans, and Military Affairs Committee on January 31, 2005. The bill passed the Senate on March 29, 2005 and was referred to the House Health and Human Services Committee on March 31, 2005. The sponsor is Senator Steve Johnson (R).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/6DB4C362EC1C0E4487256F7E0066EA9E?Open&file=141\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/6DB4C362EC1C0E4487256F7E0066EA9E?Open&file=141_01.pdf)

**COLORADO SB 143 – RENEWABLE ENERGY** – Proposes to adopt statutory changes to Amendment 37, the initiated measure requiring that specified percentages of the electricity sold will be



derived from renewable energy sources. The bill was introduced and referred to the Senate Agriculture, Natural Resources, and Energy Committee on January 31, 2005. The bill passed the Senate on February 28, 2005 and was introduced to the House Transportation and Energy Committee on March 1, 2005. The bill passed the House on March 29, 2005 and was signed by the Governor on April 14, 2005. The sponsor is Senator Jennifer Veiga (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/0530C157A4439A4487256F5C00663852?Open&file=143\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/0530C157A4439A4487256F5C00663852?Open&file=143_01.pdf)

**COLORADO SB 186 ENDANGERED SPECIES** – Proposes to appropriate money to the operating accounts of the species conservation trust fund for programs submitted by the Executive Director of the Department of Natural Resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law. The bill was introduced and referred to the Senate Agriculture, Natural Resources and Energy Committee on February 11, 2005. The bill was referred to the Appropriations Committee on February 17, 2005. The amended bill passed the Senate on March 28, 2005 and was referred to the House Appropriations Committee on April 6, 2005. The sponsor is Senator Jim Isgar (D).

[http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/B62F3E561F6F14C687256F96006AD438?Open&file=186\\_01.pdf](http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/B62F3E561F6F14C687256F96006AD438?Open&file=186_01.pdf)

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## MONTANA

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### Regulatory Developments & Other State Information

#### AIR INFORMATION:

**ADOPTION BY REFERENCE OF CURRENT EDITION OF FEDERAL REGULATIONS, AND STATE RULES** – The Montana Department of Environmental Quality (DEQ) is proposing to amend the air quality rules to adopt current federal regulations, state statutes, and state rules. Adoption of these current statutes and regulations is necessary to maintain primacy over the regulation of air quality in Montana. The adoption of federal regulations would update the state air rules to those federal regulations published in the federal register between July 1, 2003 and June 30, 2004. Adoption of the proposed rules is anticipated for June 3, 2005. For more information, contact David Rusoff at (406) 444-2626.

#### WATER INFORMATION:

**SUN RIVER WATERSHED TMDLS** - The DEQ is proposing total maximum daily loads (TMDLs) for the Sun River watershed. The criteria pollutants for these TMDLs are nutrients, sediment, temperature, salts, and selenium. The revised TMDL was submitted to USEPA in December 2004 and is currently pending their review. For more information, contact Robert Ray at (406) 444-5319. A copy of the draft is located at <http://www.deq.state.mt.us/ppa/rpp/watershed/TMDLDrafts/SunRiver/SunTMDLMasterDocPublicDraftBW.pdf>.

**DEARBORN RIVER TMDL** – The DEQ has prepared a TMDL for the Dearborn River planning area. The TMDL was submitted to the USEPA on March 21, 2005. It is currently pending USEPA review. For more information, contact Robert Ray at (406) 444-5319. The draft assessment and TMDL are available at <http://www.deq.state.mt.us/wqinfo/TMDL/TMDLDrafts/DearbornRiver/DearbornRiverLo.pdf>.

**BIG SPRING TMDL** – The DEQ is proposing a TMDL for the Big Spring Creek watershed. The impairments being addressed include nutrients, sediment, and PCBs. The TMDL addresses the following creeks in the watershed: Big Spring Creek, Beaver Creek, Cottonwood Creek, and Casino Creek. The TMDL was submitted to the USEPA on March 25, 2005 and is currently pending review. For more information, contact Pete Schade at (406) 444-6771. The draft TMDL is available at <http://www.deq.state.mt.us/wqinfo/TMDL/TMDLDrafts/BigSpring/BigSpringsMasterDoc.pdf>.

**NINE MILE PLANNING AREA TMDL** – The DEQ has prepared a water quality restoration plan and TMDL for the Nine Mile Planning Area. The TMDL was submitted to the USEPA in late January 2005. It is currently pending USEPA review. For more information, contact Greg Mathieus at (406) 444-6697. The Draft plan and TMDL are available at <http://www.deq.state.mt.us/wqinfo/TMDL/TMDLDrafts/Ninemile/PRDraftNinemile.pdf>.

**WATER QUALITY ASSESSMENTS AND TMDLS FOR BOBTAIL CREEK PLANNING AREA** – The DEQ has prepared a water quality restoration plan and TMDL for the Bobtail Creek watershed. The TMDL was submitted to USEPA in January 2005. It is currently pending

USEPA review. For more information, contact Heidi Lindgren at (406) 444-6697. The plan and TMDLs are available at <http://www.deq.state.mt.us/wqinfo/TMDL/TMDLDrafts/Bobtail/BobtailDraft.pdf>.

#### **WATER QUALITY ASSESSMENTS AND TMDLS FOR THE GRAVE CREEK PLANNING**

**AREA** – The DEQ is preparing water quality restoration plans and TMDLs for the Grave Creek planning area. The TMDL was submitted to the USEPA on March 15, 2005. It is currently pending USEPA review. For more information, contact Robert Ray at (406) 444-5319. The draft plan and TMDLs are available at <http://www.deq.state.mt.us/wqinfo/TMDL/TMDLDrafts/Grave/PRDraftMaster.pdf>.

#### **WASTE INFORMATION:**

**INTEGRATED SOLID WASTE MANAGEMENT PLAN** – The DEQ is preparing a draft plan that updates management goals to better reflect current waste management issues and provide recommendations for achieving updated policies and goals. The plan focuses on improving source reduction and increased recycling and composting. For more information, contact Lori Hanka (406) 841-5253. The draft document is available at <http://www.deq.state.mt.us/Recycle/IWMPFinaldraft.pdf>.

**AMENDMENTS TO HAZARDOUS WASTE RULES** – The DEQ has adopted amendments to the state hazardous waste management regulations that will align the state rules with recommendations made by USEPA during previous rulemakings. The final rulemaking notice was published on March 31, 2005 and became effective on April 1, 2005. For more information, contact Keith Christie at (406) 444-1422.

**AMENDMENTS TO UNDERGROUND STORAGE TANK RULES** – The DEQ has adopted amendments that correct internal reference citations, implement legislative audit committee recommendations, clarify definitions, increase funding for the UST permitting and license program, and modify inspection requirements. The amendments are effective April 1, 2005. For more information, contact Kirsten Bowers at (406) 841-5021. A copy of the notice of final adoption is available at <http://www.deq.state.mt.us/dir/legal/Notices/17-221.adp.pdf>.

**STANDARDIZED FORMATS FOR CORRECTIVE ACTION PLANS (CAPS)** – The DEQ is proposing to standardize formats for CAPs and reports for use by owners and operators of petroleum storage tank releases. The standardized CAPs have been released for use in draft form for tank owners and operators. Based on their performance, the DEQ will set a timeline for finalization of the plans. For more information, contact Mike Trombetta at (406) 444-5977. The draft standardized CAPs are available at <http://www.deq.state.mt.us/LUST/TechGuidDocs/techguidlist.asp>.

**AMENDMENTS TO HAZARDOUS WASTE RULES** – The DEQ has adopted amendments to the state hazardous waste management regulations that align the state rules with recommendations made by USEPA during previous rulemakings. The amendments became effective April 1, 2005. For more information, contact Keith Christie at (406) 444-1422. Notice of the final adoption is available at <http://www.deq.state.mt.us/dir/legal/Notices/17-224.adp.pdf>.

#### **Legislative Developments**

A summary of environmental bills considered by the State Legislature is listed below. Underlined text contains information included since the last published Region Review. The 2005 legislative session began on January 3, 2005 and ended on April 21, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.mt.us>.

**MONTANA HB 50 - ENDANGERED SPECIES** – Proposes to give the Department of Fish, Wildlife and Parks the ability to remove species from the State's endangered species list if the species is removed from the federal list. The bill passed the House and was transmitted to the Senate on January 18, 2005. The bill was referred to the Senate Fish and Game Committee on February 21, 2005. The bill passed the Senate on March 16, 2005 and was signed by the Governor on March 24, 2005. The sponsor is Representative Don Roberts (R).  
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0050.htm>

**MONTANA HB 57 - HAZARDOUS MATERIALS** – Proposes to address issues regarding the DEQ and cost recovery for hazardous substance releases. The bill was referred to the Appropriations Committee on February 5, 2005. A hearing was held on February 16, 2005. The bill failed to meet the appropriation bill transmittal deadline of March 30, 2005. The sponsor is Representative Christopher Harris (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0057.htm>

**MONTANA HB 75 - WATER USE** – Proposes to give local governments the right of first refusal for purchase of water systems. The bill was introduced on December 27, 2004. A hearing was held on January 13, 2005. The bill was tabled in the Local Government Committee on January 19, 2005. The sponsor is Representative Rosalie "Rosie" Buzzas (D).  
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0075.htm>

**MONTANA HB 78 - UNDERGROUND STORAGE TANKS** – Proposes to revise the permitting of underground storage tanks. The bill passed the House on January 26, 2005 and was referred to the Energy and Telecommunications Committee on February 21, 2005. The bill passed the Senate on March 9, 2005 and was signed by the Governor on March 18, 2005. The sponsor is Representative Christopher Harris (D).  
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0078.htm>

**MONTANA HB 144 - WASTE REDUCTION** – Proposes to update the Montana Integrated Waste Management Act. Defines the terms reuse and source reduction. The bill was heard at the January 17 Natural Resources Committee meeting. Three proponents and no opponents testified on the Bill. The bill was introduced and referred to the Natural Resource Committee on January 5, 2005. It passed the House and was transferred to the Senate on January 22, 2005. The bill was referred to the Senate Natural Resources Committee on February 21, 2005. The bill passed the Senate on March 10, 2005 and was signed by the Governor on March 15, 2005. The sponsor is Representative Christine Kaufmann (D).  
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0144.htm>

**MONTANA HB 178 - WATER USE** – Proposes to revise the laws relating to water use. The bill changes the name of the water right transfer certificate and clarifies that certain action on an application for a change in appropriation right are the same as actions on an application for a permit. The bill was introduced and referred to the Natural Resources Committee on January 5, 2005. The bill passed the House on January 24, 2005. The bill was referred to the Senate Natural Resources Committee on February 21, 2005. The bill passed the Senate on March 10, 2005 and was signed by the Governor on March 24, 2005. The sponsor is Representative Janna Taylor (R). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0178.htm>

**MONTANA HB 206 – GROUNDWATER** – Proposes to revise the manner by which controlled groundwater areas are designated and clarify apportion of groundwater in controlled areas. The bill was introduced and referred to the House Natural Resources Committee on January 5, 2005. The bill passed the House and was referred to the Senate Public Health, Welfare and Safety Committee. A hearing was scheduled for March 16, 2005. The bill passed the Senate

on March 23, 2005 and was signed by the Governor on March 30, 2005. The sponsor is Representative Art Noonan (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0206.htm>

**MONTANA HB 266 – WEEDS** – Proposes to implement a noxious weed trust fund. The bill was introduced on January 11, 2005. The bill passed the House on January 31, 2005 and was transmitted to the Senate. The bill was referred to the Senate Highways and Transportation Committee on February 22, 2005. The bill passed the Senate on March 10, 2005 and was sent to the Governor on March 15, 2005. The Governor returned the bill with amendments on March 24, 2005. The bill was signed by the Speaker of the House and the Senate President on April 20, 2005. The sponsor is Representative Diane Rice (R).  
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0266.htm>

**MONTANA HB 286 – PRAIRIE DOGS** – Proposes to remove prairie dogs from the list of nongame species in need of management. The bill was introduced on January 13, 2005. A hearing was held on January 25, 2005. The bill was tabled in the Fish, Wildlife and Parks Committee on February 12, 2005. The sponsor is Representative Wayne Stahl (R).  
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0286.htm>

**MONTANA HB 293 - LAND USE** – Proposes to require secure access to surface water as part of growth policy requirements. The bill was introduced and referred to the Committee on Natural Resources on January 14, 2005. A hearing was held on January 24, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Representative Mike Jopek (D). <http://data.opi.state.mt.us/bills/2005/lchtml/LC1966.htm>

**MONTANA HB 347 - LAND USE** – Proposes to extend the amount of time certain land can be converted or diverted from open space land. The bill was introduced and referred to the Local Government Committee on January 19, 2005. The bill passed the House and was transmitted to the Senate on February 9. The bill passed the Senate on March 11, 2005 and was signed by the Governor on March 24, 2005. The sponsor is Representative Gail Gutsche (D).  
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0347.htm>

**MONTANA HB 359 - PESTICIDES** – Proposes to allow localities to pass ordinances addressing pesticide application. Establishes minimum criteria which must be adhered to by the localities when passing such ordinances. The bill was introduced and referred to the Agriculture Committee on January 19, 2005. A hearing was held on February 3, 2005. The bill passed the House on February 17, 2005. As of March 1, 2005, the bill was postponed indefinitely. The sponsor is Representative Gail Gutsche (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0359.htm>

**MONTANA HB 394 - CONSERVATION** – Proposes to create the Fish and Wildlife Protection Act and would require state agencies to consider the environmental and wildlife impacts of any project. The bill was introduced and referred to the Fish, Wildlife and Parks Committee on January 21, 2005. The bill was heard at a February 3, 2005 hearing, but was tabled in Committee on February 16, 2005. The sponsor is Representative Paul Clark (D).  
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0394.htm>

**MONTANA HB 403 - GROUNDWATER** – Proposes to remove the exemption for water right permits for withdrawals of 35 gallons and 10 acre-feet a year or less. The bill was introduced and referred to the Natural Resources Committee on January 21, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Representative Mike Jopek (D).  
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0403.htm>

**MONTANA HB 429 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES** – Proposes to make uniform the code sections addressing DEQ authority to determine and collect penalties and allow the DEQ to utilize private entities for the purpose of collection of fees and penalties. The bill was introduced and referred to Natural Resources Committee on January 24, 2005. The bill passed the House and was transmitted to the Senate on February 21, 2005. The bill was referred to the Senate Judiciary Committee on February 22. The bill passed the Senate on April 13, 2005 and was sent to the Governor on April 19, 2005. The sponsor is Representative Gail Gutsche (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0429.htm>

**MONTANA HB 450 - LAND USE** – Proposes to change administrative procedures for the sale of publicly owned lands. The bill was introduced and referred to the Natural Resources Committee on January 26, 2005. The bill passed the House and was transmitted to the Senate on February 21, 2005. The bill was referred to the Senate Education and Cultural Resources Committee on February 22, 2005. The bill passed the Senate on April 6, 2005. The bill was transmitted to the Governor on April 11, 2005. The sponsor is Representative Mike Jopek (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0450.htm>

**MONTANA HB 453 - WASTE** – Proposes to change penalties for permit violations under the underground storage tank licensing, solid waste and junk vehicle laws. Sets administrative penalties at no more than \$500 and civil penalties not to exceed \$5000. The bill was introduced and referred to the Natural Resources Committee on January 26, 2005. The bill was reported from Committee on February 15, 2005. The bill passed the House on March 10, 2005 and was referred to the Senate Natural Resources Committee on March 11, 2005. The bill was reported from Committee on March 23, 2005 and passed the Senate on April 1, 2005. The bill was sent to the Governor on April 19, 2005. The sponsor is Representative Kevin Furey (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0453.htm>

**MONTANA HB 455 - MERCURY EMISSIONS** – Proposes to require owners of fossil-fuel or biomass power plants that have not filed an air quality permit application to reduce the uncontrolled mercury emissions by at least 80%. Those who have already filed the air quality permit application must comply with the 80% reduction by January 1, 2010. The bill was introduced and referred to the Natural Resources Committee on January 27, 2005. The bill was heard in Committee on February 4, 2005. The bill failed in Committee on February 17, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Representative Paul Clark (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0455.htm>

**MONTANA HB 464 - ALTERNATIVE FUELS** – Proposes to reduce the tax incentive for the production of alcohol for fuel from 30 cents to 10 cents. The bill was introduced and referred to the Agriculture Committee on January 27, 2005. A hearing was held on February 10, 2005. The motion failed on February 18, 2005. The bill failed to meet the April 1 deadline for revenue bill transmittal. The sponsor is Representative Bob Bergren (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0464.htm>

**MONTANA HB 470 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES** – Proposes to require those who must have an environmental impact statement prepared as part of an application to pay for the costs associated with the impact statement. The bill was introduced and referred to the Natural Resources Committee on January 28, 2005. A hearing was held on February 16, 2005. The amended bill passed the House on February 19, 2005. The bill was sent to the Senate on March 20, 2005. The bill passed the Senate on April 6, 2005 and was sent the Governor on April 11, 2005. The sponsor is Representative Paul Clark (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0470.htm>



**MONTANA HB 480 - LAND USE** – Proposes to prohibit a city from surrounding an area by the extension and connection of sewer lines into unincorporated lands. The bill was introduced and referred to the Local Government Committee on January 28, 2005. The bill failed to meet the March 1 transmittal deadline. The sponsor is Representative David E. Wanzenried (D).

<http://data.opi.state.mt.us/bills/2005/billhtml/HB0480.htm>

**MONTANA HB 489 - ALTERNATIVE FUELS** – Proposes to establish the Ethanol Education Board which is tasked with educating the state's citizens about the benefits, effects, and uses of ethanol and other biofuels as renewable alternative fuels to replace traditional fossil fuels. The bill was introduced and referred to the Highways and Transportation Committee on January 25, 2005. The bill was heard in Committee on February 10, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Representative Dave Gallik (D).

<http://data.opi.state.mt.us/bills/2005/billhtml/HB0489.htm>

**MONTANA HB 665 - MERCURY** – Proposes to prohibit the sale of products containing mercury unless the manufacturer has provided the Department of Public Health and Human Services with written notice which must contain a brief description of the product, the purpose of the mercury in the product and the amount of mercury contained in the product. Also proposes to prohibit a person from knowingly placing a mercury-added product in a solid waste disposal facility. The bill was introduced and referred to the Human Services Committee on February 11, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Representative Theresa Henry (D).

<http://data.opi.state.mt.us/bills/2005/billhtml/HB0665.htm>

**MONTANA HB 674 - ALTERNATIVE FUELS** – Proposes to require that fuel blended with ethanol contain at least 10% ethanol and must not contain MTBE, ethyl tertiary butyl ether (ETBE), or tertiary amyl methyl ether (TAME), and must have a minimum octane content standard of at least 87.5. The bill was introduced and referred to the Agriculture Committee on February 12, 2005. A hearing was held on February 15, 2005. The bill passed the House on March 20, 2005 and was referred to the Senate Taxation Committee on March 11, 2005. The bill was tabled on April 15, 2005. The sponsor is Representative Karl Waitschies (R).

<http://data.opi.state.mt.us/bills/2005/billhtml/HB0674.htm>

**MONTANA HB 720 - LAND USE** – Proposes to require local governments to review applications for development and use of property under regulations in effect at the time a site-specific development plan is submitted. The bill was introduced and referred to the House Taxation Committee on February 15, 2005. The bill passed the House on March 30, 2005 and was referred to the Senate Local Government Committee on March 31, 2005. The bill was reported from Committee on April 5, 2005. The bill passed the Senate on April 16, 2005 and was sent to the Governor on April 20, 2005. The sponsor is Representative John Sinrud (R).

<http://data.opi.state.mt.us/bills/2005/billhtml/HB0720.htm>

**MONTANA HB 756 - ALTERNATIVE FUELS** – Proposes to encourage the production and use of biodiesel. The bill was introduced and referred to the Taxation Committee on February 18, 2005. A hearing was scheduled for March 22, 2005. The bill passed the House on April 4, 2005 and was referred to the Senate Taxation Committee on April 5, 2005. The bill passed the Senate on April 16, 2005. The sponsor is Representative Gail Gutsche (D).

<http://data.opi.state.mt.us/bills/2005/billhtml/HB0756.htm>

**MONTANA HB 776 - ALTERNATIVE FUELS** – Proposes to revise a law on the taxation of biodiesel and provide incentives. The bill was introduced and referred to the Taxation



Committee on March 11, 2005. The bill passed the House on April 2, 2005 and was referred to the Senate Taxation Committee on April 4, 2005. The bill passed the Senate on April 16, 2005. The sponsor is Representative Holly Raser (D).  
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0776.htm>

**MONTANA SB 44 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES** – Proposes to revise the state water planning process by adding that the administrative department shall make recommendations to the Legislature about amendments, extensions, or additions to the state water plan. The bill was referred to Natural Resources Committee on December 29, 2004. The committee passed the bill on January 21, 2005. The bill passed the Senate and was transmitted to House on January 25, 2005. The bill was referred to the House Natural Resources Committee on February 21, 2005. A hearing was scheduled for March 4, 2005. The bill was tabled in Committee on March 31, 2005. The sponsor is Senator Daniel McGee (R).  
<http://data.opi.state.mt.us/bills/2005/billhtml/SB0044.htm>

**MONTANA SB 107 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES FOR GROUNDWATER** – Proposes to clarify when specific groundwater management plans must be developed and implemented. The bill was introduced and referred to the Senate Agriculture, Livestock and Irrigation Committee on January 5, 2005. It passed the Senate and was transmitted to the House on January 12, 2005. A hearing was held in the House on March 9, 2005. The bill passed the House Natural Resources Committee on March 18, 2005. The bill passed the House on April 6, 2005 and the House concurred with amendments on April 19, 2005. The sponsor is Senator Frank Smith (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0107.htm>

**MONTANA SB 131 - GROUNDWATER** – Proposes to prohibit the importation, sale, offering of sale, and dispensing of gasoline containing MTBE in amounts that exceed trace levels. The bill was introduced and referred to the Senate Highway and Transportation Committee on January 5, 2005. The bill passed the Senate and was transmitted to the House on February 15, 2005. A hearing was held in the House on March 11, 2005. The bill passed the House Natural Resources Committee on March 18, 2005. The bill passed the House on April 9, 2005 and was sent to the Governor on April 16, 2005. The sponsor is Senator Jerry Black (R).  
<http://data.opi.state.mt.us/bills/2005/billhtml/SB0131.htm>

**MONTANA SB 142 - FORESTRY ISSUES** – Proposes to allow the Department of Natural Resources and Conservation to license and lease state lands for the purposes of forest management. The bill was referred to the Natural Resources Committee on December 29, 2004. The bill passed the Senate on January 24, 2005. The bill was referred to the House Natural Resources Committee on March 1, 2005. A hearing was scheduled for March 4, 2005. The bill failed to pass the House on April 7, 2005. The sponsor is Representative Bill Tash (R).  
<http://data.opi.state.mt.us/bills/2005/billhtml/SB0142.htm>

**MONTANA SB 144 - ALTERNATIVE FUELS** – Proposes to require all gasoline sold to consumers for use in motor vehicles to be operated on public highways, roads, and streets be blended with at least 10 percent of agriculturally derived, denatured ethanol. Provides that the gasoline may not contain more than trace amounts of the additive MTBE. The bill was referred to the Committee on Highways and Transportation on December 29, 2004. The bill was tabled on January 21, 2005. The bill failed to meet the April 4 deadline for revenue bill transmittal. The sponsor is Senator Jerry Black (R). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0144.htm>

**MONTANA SB 145 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES FOR ABOVEGROUND STORAGE TANKS** – Proposes to revise laws related to the regulation of petroleum tanks. Increases the number of members of the petroleum tank release

compensation board. Revises the reimbursement eligibility criteria and procedures. The bill was referred to the Committee on Energy and Telecommunications. The bill passed the Senate and was transferred to the House on January 18, 2005. The bill was referred to the House Natural Resources Committee on March 1, 2005. A hearing was scheduled for March 9, 2005. The bill passed the House with amendments on April 7, 2005 and was sent to the Governor on April 14, 2005. The sponsor is Senator Dan W. Harrington (D).

<http://data.opi.state.mt.us/bills/2005/billhtml/SB0145.htm>

**MONTANA SB 173 - LAND USE** – Proposes to provide for minimum setbacks from rivers and streams in water management corridors. The bill was introduced and referred to the Senate Committee on Local Government on January 6, 2005. The bill passed a second reading but the amended motion failed. A motion to reconsider the bill failed on February 18, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Senator Bob Hawks (D).

<http://data.opi.state.mt.us/bills/2005/billhtml/SB0173.htm>

**MONTANA SB 195 - GROWTH MANAGEMENT** – Proposes to define the terms, growth jurisdiction, land use management techniques, market incentives, public facilities, quality growth area, rural center, sensitive resource lands, and transfer of development rights. The bill was introduced and referred to the Senate Committee on Local Government on January 10, 2005. The bill was reported from Committee on February 9, 2005. The bill passed the Senate on February 14, 2005 and was referred to the House Local Government Committee on February 22, 2005. A hearing was scheduled for March 8, 2005. The bill failed to pass the House on April 5, 2005. The sponsor is Senator Michael Wheat (D).

<http://data.opi.state.mt.us/bills/2005/billhtml/SB0195.htm>

**MONTANA SB 216 - LAND USE** – Proposes to allow a public body to assess per household fees for the purpose of curbing growth and conserving land. The bill was introduced and referred to the Natural Resources Committee on January 12, 2005. The bill passed Committee on January 29, 2005. The Taxation Committee tabled the bill on February 8, 2005. The bill failed to meet the April 4 deadline for revenue bill transmittal. The sponsor is Senator Greg Lind (D).

<http://data.opi.state.mt.us/bills/2005/billhtml/SB0216.htm>

**MONTANA SB 235 - SITING CRITERIA** – Proposes to remove transmission substation, a switch yard, voltage support, and control equipment from being defined as a facility. The bill was introduced and referred to the Energy and Telecommunications Committee on January 15, 2005. Received first committee hearing January 27. The bill passed the Senate and was transmitted to the House on February 7, 2005. The House passed the bill on March 15, 2005. The bill was signed by the Governor on March 30, 2005. The sponsor is Senator Jeff Mangan (D).

<http://data.opi.state.mt.us/bills/2005/billhtml/SB0235.htm>

**MONTANA SB 236 - WATER QUALITY** – Proposes to allow the Board of Environmental Review to enact water quality standards that are more stringent than federal regulations require. The bill was introduced and referred to the Natural Resources Committee on January 15, 2005. It passed Committee on January 29, 2005. The bill passed the Senate and was transmitted to the House on February 3, 2005. The bill was referred to the House Natural Resources Committee on March 2, 2005. A hearing was scheduled for April 1, 2005. The sponsor is Senator Greg Kind (D).

<http://data.opi.state.mt.us/bills/2005/billhtml/SB0236.htm>

**MONTANA SB 269 – GROUNDWATER** – Proposes to clarify the definition of groundwater for the Upper Missouri River Basin. Ground water for the purposes of this legislation is defined as water beneath the surface the appropriation of which will not reduce basin surface water flows

or volume at any time. The bill was introduced and referred to the Natural Resources Committee on January 20, 2005. The bill passed the Senate and was transmitted to the House on February 8, 2005. A hearing was scheduled for March 21, 2005. The sponsor is Senator Mike Wheat (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0269.htm>

**MONTANA SB 281 - CONSERVATION** – Proposes to provide state agencies broad authority when issuing permits to protect fish and wildlife. The bill was introduced and referred to the Public Health, Welfare and Safety Committee on January 21, 2005. A hearing was held on February 11, 2005. The bill missed the March 1 deadline for general bill submittal. The sponsor is Senator Carol Williams (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0281.htm>

**MONTANA SB 293 - ALTERNATIVE FUELS** – Proposes to require the Department of Labor and Industry to adopt standards to ensure that all gasoline sold in the state is comprised of at least 10% denatured ethanol following certification that 30 million gallons of denatured ethanol has been produced in the state. The bill was introduced and referred to Transportation Committee on January 26, 2005. The bill passed the Senate and was transmitted to the House on February 15, 2005. A hearing was scheduled for March 22, 2005. The bill passed the House on April 15, 2005. The Governor returned the bill with amendments on April 20, 2005. The sponsor is Senator Jerry Black (R). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0293.htm>

**MONTANA SB 326 - UNDERGROUND STORAGE TANKS** – Proposes to require excavators who cause damage to underground storage tanks to pay fees in the amount of \$500 for the first incident, \$2500 for the second incident and \$3000 for each additional incident. The fees are to be paid to the owner of the underground tank. The bill was introduced and referred to the Business, Labor, and Economic Affairs committee on January 28, 2005. The bill passed the Senate and was transmitted to the House on February 14, 2005. The bill was referred to the Business and Labor Committee on March 3 2005. The bill passed the House on March 24, 2005. The bill was sent to the Governor on March 30, 2005 and was returned with proposed amendments on April 9, 2005. The Senate concurred with amendments on April 16, 2005. The sponsor is Senator Jesse Laslovich (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0326.htm>

**MONTANA SB 382 - EMINENT DOMAIN** – Proposes to prohibit a city or town from serving as a pass-through entity by using its power of eminent domain. The bill was introduced and referred to the Local Government Committee on February 5, 2005. The bill failed to meet the March 1 transmittal deadline. The sponsor is Senator Jim Elliot (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0382.htm>

**MONTANA SB 458 - LAND USE** – Proposes to change the period prescribed for the commencement of an action against a municipality arising from a decision of the municipality relating to a land use, construction, or development project to 30 days from the date of the written decision. The bill was introduced and referred to the Local Government Committee on February 11, 2005. The bill passed the Senate and was transmitted to the House on February 23, 2005. A hearing is scheduled for March 31, 2005. The bill passed the House on April 6, 2005, and the Senate concurred with amendments on April 9, 2005. The bill was sent to the Governor on April 16, 2005. The sponsor is Senator Kim Gillan (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0458.htm>

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## NORTH DAKOTA

### Regulatory Developments & Other State Information

#### AIR INFORMATION:

**SIP TO PREVENT SIGNIFICANT DETERIORATION** – The North Dakota Department of Health (DOH) is discussing proposing amendments to its SIP with regards to the prevention significant deterioration (PSD). Currently, North Dakota has a USEPA approved SIP. However, the DOH had ordered further review on issues including: the recognition of the Calpuff air modeling system as an acceptable method for predicting expected ambient sulfur dioxide (SO<sub>2</sub>) concentrations in PSD Class I areas; visibility impact analysis; and the evaluation of the need and potential implementation of statewide SO<sub>2</sub> emission caps from major stationary sources to ensure no future violations of Class I increment. The DOH held a public hearing on April 19, 2005 to address the SO<sub>2</sub> PSD Air Quality Modeling Report. A document entitled "Background Discussion of Model Input Data and Potential Refinements" was also placed into the docket. The report summarizes refinements that have been made to the State's modeling protocol, and potential refinements that may be considered, consistent with the State's policy to use best available verifiable data and technologies as they become available. Comments are due May 16, 2005. For more information, contact L. David Glatt at (701) 328-5150.

#### WATER INFORMATION:

**COMPLIANCE WITH REVISED FEDERAL REGULATIONS FOR PUBLIC WATER SUPPLY SYSTEMS** – The DOH has adopted amendments to the public water supply systems that address revisions to the federal Arsenic Rule and the Long Term 1 Enhanced Surface Water Treatment Rule. The purpose of the amendments is to ensure compliance with regulations adopted by the USEPA pursuant to the federal Safe Drinking Water Act. The final rules were published in March 2005 and became effective on April 1, 2005. For more information, contact Larry Thelen at (701) 328-5257. <http://www.health.state.nd.us/PublicComment/PWSS33-17/PWSS33-17-draft.pdf>

**TMDLS** – The DOH is preparing TMDLs. Please see table below for location, criteria pollutants, and comments regarding development. For more information, contact Michael Ell at (701) 328-5214.

Water Body	Criteria Pollutant	Comments
Cannonball River	Pathogens	The Cannonball River TMDL was published in February 2005. It is currently available for comment.
Cheyenne River	Sedimentation and fecal coliform	<a href="http://www.health.state.nd.us/wq/sw/Z2_TMDL/TMDLs_Under_PublicComment/Cannonball_Bacteria_TMDL_Draft.pdf">http://www.health.state.nd.us/wq/sw/Z2_TMDL/TMDLs_Under_PublicComment/Cannonball_Bacteria_TMDL_Draft.pdf</a>
Maple River	Not determined	The TMDL is anticipated to be completed by late Spring 2005.
Wild Rice River	Not determined	The TMDL has been placed on indefinite hold.

Dead Colt Creek	Not determined	The TMDL has been completed, but release of the TMDL for comment has been delayed.
Indian Creek	Not determined	The DOH is continuing to collect data for the TMDL.
Bear Creek	Not determined	No schedule for release of draft TMDL has been proposed.
Bone Hill Creek	Not determined	No schedule for release of draft TMDL has been proposed.

### **WASTE INFORMATION:**

None.

### **Legislative Developments**

A summary of environmental bills considered by the State Legislature is listed below. Underlined text contains information included since the last published Region Review. The 2005 legislative session began on January 4, 2005 and ended on April 29, 2005. For information on the 2005 legislative session, link: <http://www.state.nd.us/lr/>.

**NORTH DAKOTA HB 1245 – TRANSPORTATION** – Proposes to permit local governments to regulate the weight limits permitted on state highways. The bill was introduced and referred to the House Transportation Committee on January 10, 2005. The bill passed the House and was transferred to the Senate on February 2, 2005. The bill failed to pass its second reading on March 14, 2005. The sponsor is Representative Robin Weisz (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FAPQ0100.pdf>

**NORTH DAKOTA HB 1274 – WATER** – Proposes to change the southwest pipeline water delivery rates for large industrial users. The bill was introduced and referred to the Government and Veterans Affairs Committee on January 13, 2005. The bill passed the House on February 1, 2005 and was referred to the Senate Political Subdivisions Committee on February 3, 2005. The bill passed the Senate on March 25, 2005. The bill was signed by the Governor on April 5, 2005. The sponsor is Representative Francis J. Wald (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-actions/ba1274.html>

**NORTH DAKOTA HB 1279 – HAZARDOUS WASTE** - Proposes to create and enact a new law relating to contaminated properties and to amend regulations relating to institutional controls by counties, cities, and townships to provide a continuing appropriation. The bill was introduced and referred to the Political Subdivisions Committee. The bill was adopted by the House on February 16, 2005. The bill was referred to the Senate Political Subdivisions Committee on February 23, 2005. The bill passed Committee on March 21, 2005. The bill passed the Senate on March 22, 2005 and was signed by the Governor on March 31, 2005. The sponsor of the bill is Representative RaeAnn Kelsch (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FADN0200.pdf>

**NORTH DAKOTA HB 1314 – RENEWABLE ENERGY** – Proposes to create a renewable electricity and recycled energy credit trading and tracking system. The bill was introduced and referred to the Industry, Business, and Labor Committee on January 10, 2005. The bill passed the House and was transferred to the Senate on February 11, 2005. The bill was referred to the Senate Industry, Business and Labor Committee on February 15, 2005. The bill passed and was returned to the House on March 18, 2005. The House and Senate concurred on April 7,



2005. The sponsor is Representatives Jon Nelson (R), Lois Delmore (D), Matthew Klein (R), and Ken Svedjan (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FAEK0400.pdf>

**NORTH DAKOTA HB 1472 – LAND USE** - Proposes to adopt the Uniform Conservation Easements Act relating to conservation easements. The bill was introduced and referred to the House Agriculture Committee on January 17, 2005. The bill failed to pass the House on February 11, 2005. The sponsors are Representatives Scott Kelsh (D), Darrell Nottestad (R), and Steven Zaiser (D). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FBGQ0100.pdf>

**NORTH DAKOTA HCR 3010 – REMEDIATION** - Proposes to direct the Legislative Council to study the feasibility of establishing a state Brownfields law, Superfund law, and other efforts to encourage remediation and redevelopment of sites on which there has been a release of pollution. The bill was introduced and referred to the House Natural Resources Committee on January 20, 2005. The bill passed the House on February 15, 2005 and was referred to the Senate Natural Resources Committee on February 23, 2005. The bill passed the House on March 11, 2005 and was filed with the Secretary of State on March 18, 2005. The sponsors are Representatives Todd Porter (R) and RaeAnn Kelsch (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FGGF0100.pdf>

**NORTH DAKOTA SB 2229 – FUELS** – Proposes to require every dealer offering gasoline for sale to offer a ten percent blend of ethanol for sale at that dealer's place of business. The bill was introduced and referred to the Committee on Finance and Taxation on January 19, 2005. The bill failed to pass the Senate on February 7, 2005. A motion to reconsider the bill failed on February 8, 2005. The sponsor is Senator Russell T. Thane (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FALB0200.pdf>

**NORTH DAKOTA SB 2268 – WASTE** - Proposes to provide for a legislative study committee regarding waste rubber recycling, abatement and remediation of waste rubber tire stockpiles, and to recovery of petroleum based product components. The bill was introduced and referred to the Senate Natural Resources Committee on January 17, 2005. The bill passed the Senate on February 10, 2005 and was referred to the House Natural Resources Committee on February 14, 2005. The bill passed the House on March 21, 2005. The bill was signed by the Governor on March 30, 2005. The sponsors of the bill are Senators Karen Krebsbach (R), David O'Connell (D), and Tom Seymour (D). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FRAJ0200.pdf>

**NORTH DAKOTA SB 2280 - LAND USE** – Proposes to regulate, control and eradication of noxious weeds and pests. The bill was introduced and referred to the Senate Agriculture Committee on January 17, 2005. The bill passed the Senate on February 2, 2005. The bill was referred to the House Agriculture Committee on February 11, 2005. The bill passed the House on March 30, 2005 and was signed by the Governor on April 7, 2005. The sponsor is Senator Jerry Klein (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-actions/ba2280.html>

**NORTH DAKOTA SB 2293 – WATER** – Proposes to regulate the conversion of water resource district water supply systems to water districts. The bill was introduced and referred to the Committee on Natural Resources on January 19, 2005. The bill passed the Senate on January 28, 2005 and was referred to the House Political Subdivisions Committee on February 11, 2005. The bill passed the House on March 10, 2005. The bill was signed by the Governor on March 25, 2005. The sponsor is Senator Joel Heitkamp (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-actions/ba2293.html>



**NORTH DAKOTA SB 2296 – WATER** – Proposes to regulate the terms for issuing a water permit. The bill was introduced and referred to the Committee on Natural Resources on January 19, 2005. The bill passed the Senate on February 14, 2005. The bill was introduced and referred to the House Natural Resources Committee on February 23, 2005. The bill passed the House on March 10, 2005. The bill failed to pass the Senate as of March 29, 2005. The sponsor is Senator Joel Heitkamp (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FAHS0100.pdf>

**NORTH DAKOTA SB 2338 – WATER** - Proposes to create and enact new regulations regarding prevention and control of aquatic nuisance species. The bill was introduced and referred to the Senate Natural Resources Committee on January 17, 2005. The bill passed on February 8, 2005 and was referred to the House Natural Resources Committee on February 11, 2005. A hearing was scheduled for March 3, 2005. The bill passed the House on March 10, 2005. The bill was signed by the Governor on March 25, 2005. The sponsors are Senators John Traynor (R), Ben Tollefson (R), and Rich Wardner (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FBNJ0100.pdf>

**NORTH DAKOTA SB 2346 - CHEMICAL BANS/RESTRICTIONS** – Proposes to prohibit the sale of gasoline containing MTBE. The bill was introduced and referred to the Transportation Committee on January 25, 2005. The bill passed the Senate on February 4, 2005. The bill was referred to the House Industry, Business and Labor Committee on February 11, 2005. The bill passed the full Senate on February 11, 2005. It was introduced and referred to the House Transportation Committee on February 15, 2005. The bill passed the House on March 18, 2005. The bill was signed by the Governor on March 31, 2005. The sponsor is Senator Elroy Lindaas (D). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FBNI0100.pdf>

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## SOUTH DAKOTA

### Regulatory Developments & Other State Information

#### AIR INFORMATION:

**PM 2.5 DESIGNATION** – The South Dakota Department of Environment and Natural Resources (DENR) submitted a recommendation for USEPA approval for PM 2.5 attainment designations in the state. The designation became effective on April 5, 2005. For more information, contact Brad Schultz at (605) 773-6038.

#### WATER INFORMATION:

**DRAFT TMDLS** – The DENR is discussing TMDLs for several waterbodies. Please see the table below for the location, criteria pollutants, and comments regarding development. For more information, contact Gene Stueven at (605) 773-3296.

Water body	Basin	Criteria Pollutant	Comments
Belle Fourche River	Belle Fourche River	Total suspended solids	No further rulemaking activity scheduled. <a href="http://www.state.sd.us/denr/DFTA/WatershedProtection/TMDL/TMDL_BelleFourcheRiverandHorseCreekFinalReportAll.pdf">http://www.state.sd.us/denr/DFTA/WatershedProtection/TMDL/TMDL_BelleFourcheRiverandHorseCreekFinalReportAll.pdf</a>
Horse Creek	Belle Fourche River	Total suspended solids	Assessment is currently underway. <a href="http://www.state.sd.us/denr/DFTA/WatershedProtection/TMDL/TMDL_BelleFourcheRiverandHorseCreekFinalReportAll.pdf">http://www.state.sd.us/denr/DFTA/WatershedProtection/TMDL/TMDL_BelleFourcheRiverandHorseCreekFinalReportAll.pdf</a>
Whitewood Creek	Belle Fourche River	Temperature Fecal coliform	An assessment of fecal coliform is being performed for the following segments: Deadwood Creek to Spruce Gulch; Spruce Gulch to Sandy Creek; and Whitetail Summit to Gold Run Creek. The remaining segments of the Creek have been delisted.
Vermillion River	Vermillion River	Total suspended solids Fecal coliform	The DENR is collecting data for this TMDL and accepting comments. There is no schedule for development.
(Upper) North Fork Rapid Creek	Cheyenne River	Temperature	The DENR is collecting data for this TMDL and accepting comments. There is no schedule for development.
Turkey	Vermillion River	Total suspended solids	The DENR continues to

<b>Water body</b>	<b>Basin</b>	<b>Criteria Pollutant</b>	<b>Comments</b>
Ridge Creek		Nutrients	prepare this TMDL. There is no schedule for development.
Little White River	White River	Total suspended solids	Assessment currently being performed. No schedule for TMDL development.
Rosette Lake	James River	Trophic state index (chlorophyll, phosphorus, and seci disk)	An assessment has not been initiated at this time.
Wilmarth Lake	James River	Trophic state index	The DENR is performing the water body assessment.
Nine Mile Lake	Big Sioux River	Trophic state index	The DENR is performing the water body assessment. There is no schedule for development.
Twin Lakes	James River	Trophic state index	The DENR is performing the water body assessment. There is no schedule for development.
Keya Paha	Niobrara River	Total suspended solids	The DENR is performing the water body assessment. There is no schedule for development.
Rahn Dam	Niobrara River	Trophic state index	The DENR is performing an assessment.
Richmond Lake	James River	Fecal coliform Trophic state index	The DENR is performing the water body assessment. There is no schedule for development.
Sylvan Lake	Cheyenne River	Trophic state index	The DENR has initiated an assessment but does not have a schedule for development.
Legion Lake	Cheyenne River	Trophic state index	The DENR has initiated an assessment but does not have a schedule for development.
Center Lake	Cheyenne River	Trophic state index	The DENR has initiated an assessment but does not have a schedule for development.
Lake Waggoner	Bad River	Trophic state index	The DENR has initiated an assessment but does not have a schedule for development.
East	Big Sioux River	Trophic state index	Assessment initiated.

<b>Water body</b>	<b>Basin</b>	<b>Criteria Pollutant</b>	<b>Comments</b>
Oakwood Lake			TMDL is of low priority.
Lake Thompson	Vermillion River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
Lake Preston	Vermillion River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
Lake Whitewood	Vermillion River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
School Lake	Big Sioux River	Trophic state index	Assessment initiated. TMDL is of low priority.
Grand River	Grand River	pH Temperature Total suspended solids Fecal coliform	The DENR has initiated its assessment for pH, total suspended solids and temperature for Shadehill Reservoir to the Corson County Line. The assessments for the North and South Forks have been initiated. The assessments for the River from the Corson County Line to the Mouth of the River have not been initiated.
Sheridan Lake	Cheyenne River	Tropic state index	Assessment initiated. No timeline for development has been proposed.
Lake Norden	Big Sioux River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
Lake Albert	Big Sioux River	Trophic state index	Assessment initiated. TMDL is of low priority.
North central portion	Big Sioux River	Total suspended solids	DENR is collecting data to develop this TMDL. Assessment initiated. No timeline for development has been proposed.
Central portion	Big Sioux River	Total suspended solids Fecal coliform.	The DENR anticipates releasing the drafts in mid-May 2005.
Lower portion	Big Sioux River	Total suspended solids Fecal coliform	Assessments have been initiated.
Fate water	Missouri River	Tropic state index	The DENR is preparing final

Water body	Basin	Criteria Pollutant	Comments
body			report for submittal to the USEPA. <a href="http://www.state.sd.us/denr/DFTA/WatershedProtection/TMDL/TMDL_FateAl.pdf">http://www.state.sd.us/denr/DFTA/WatershedProtection/TMDL/TMDL_FateAl.pdf</a>
Geddes Lake	Missouri River	Trophic state index	Currently conducting assessment.
Lake Andes	Missouri River	Trophic state index	The DENR has initiated the assessment. TMDL is of low priority.
Dante Lake	Missouri River	Trophic state index	Assessment initiated. TMDL is of low priority.
Corsica Lake	Missouri River	Trophic state index	Assessment initiated. TMDL is of low priority.
Academy Lake	Missouri River	Trophic state index	Assessment initiated. TMDL is of low priority.
Platte Lake	Missouri River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
White Lake	Red River	Trophic state index	Currently collecting data and accepting comments.

### **WASTE INFORMATION:**

**AMENDMENTS TO RULES GOVERNING USE AND DISPOSAL OF TIRE WASTES** – The DENR has adopted amendments to the rules governing the use and disposal of tire wastes. The amendments modify the language governing the approved uses and disposal methods for tire wastes. The amended rule exempts from solid waste permitting requirements, the burial of tire shreds used in the construction of on-site wastewater treatment systems. The amendments were approved at the March 17, 2005 hearing. The rules will become effective 20 days after filing with the Secretary of State. For more information, contact Jim Wendte at (605) 773-3276.

### **OTHER INFORMATION:**

**CHANGES TO THE STATEWIDE NOXIOUS WEED LIST** – The South Dakota Department of Agriculture is proposing to add Salt Cedar and remove Field Bindweed from the statewide noxious weed list. The DOA adopted the amendments at a public hearing on April 14, 2005. For more information, contact Ron Moehring at (605) 773-3796.

### **Legislative Developments**

A summary of environmental bills considered by the State Legislature is listed below. Underlined text contains information included since the last published Region Review. The 2005 legislative session began on January 11, 2005 and ended March 22, 2005. For information on the 2005 legislative session, link: <http://legis.state.sd.us/index.cfm>.

**SOUTH DAKOTA HB 1120 - EMINENT DOMAIN** – Proposes to revise the conditions for determining when an eminent domain judgment greatly exceeds the plaintiff's offer. The bill

was introduced and referred to the Judiciary Committee on January 26, 2005. The bill failed upon adjournment on March 22, 2005. The sponsor is Representative Alan Hanks (R). <http://legis.state.sd.us/sessions/2005/bills/HB1120p.htm>

**SOUTH DAKOTA HB 1195 – LAND USE** - Proposes to adopt the Uniform Environmental Covenants Act. The bill was introduced and referred to the House Agriculture and Natural Resources Committee on January 27, 2005. The bill died in Committee. However SB 143, a similar bill, did pass. The sponsor is Representatives Sean O'Brien (R). <http://legis.state.sd.us/sessions/2005/bills/HB1195p.htm>

**SOUTH DAKOTA SB 110 - LAND USE** – Proposes to revise the definition of abandoned property held by governmental entities. The bill was introduced and referred to State Affairs Committee on January 25, 2005. The bill was reported out of Committee on January 28, 2005. The bill failed upon adjournment on March 22, 2005. The sponsor is Senator Jerry Apa (R). <http://legis.state.sd.us/sessions/2005/bills/SB110SST.htm>

**SOUTH DAKOTA SB 143 – LAND USE** – Proposes to adopt the Uniform Environmental Covenants Act. The bill was introduced and referred to the Senate Judiciary Committee on January 27, 2005. The bill passed the Senate on February 8, 2005. The bill was referred to the House Judiciary Committee on February 9, 2005. A hearing was scheduled for February 16, 2005. The bill passed on February 16, 2005 and was forwarded to the full House. The amended bill passed the House and was signed by the Governor on March 9, 2005. The sponsor is Senator Dave Knudson (R). <http://legis.state.sd.us/sessions/2005/bills/SB143p.htm>

**SOUTH DAKOTA SB 200 – FUELS** – Proposes to revise the labeling requirements for certain types of motor fuel. The bill was introduced and referred to the Transportation Committee on January 31, 2005. A hearing was scheduled for February 15, 2005. The bill failed upon adjournment on March 22, 2005. The sponsor is Senator Frank J. Kloucek (D). <http://legis.state.sd.us/sessions/2005/bills/SB200p.htm>

**SOUTH DAKOTA SB 211 - EMINENT DOMAIN** – Proposes to repeal certain provisions regarding easements on railroad property acquired by eminent domain. The bill was introduced and referred to the State Affairs Committee on February 1, 2005. The bill failed upon adjournment on March 22, 2005. The sponsor is Senator Tom Hansen (R). <http://legis.state.sd.us/sessions/2005/bills/SB211p.htm>

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## UTAH

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### Regulatory Developments & Other State Information

#### AIR INFORMATION:

**ATTAINMENT DESIGNATION FOR PM 10 AND SO<sub>2</sub>** – The Utah Department of Environmental Quality (DEQ) is proposing revisions to the PM 10 Maintenance Plan. All areas of Utah formerly designated "non-attainment" pursuant to the Clean Air Act, including metropolitan Salt Lake City, are now in attainment for PM 10. Accordingly, the State is undergoing a revision of the PM 10 SIP to reflect this redesignation. Numerous other revisions are proposed to align existing rules with the PM 10 maintenance plan. Comments on the PM 10 plan were due May 2, 2005. The DEQ is also seeking a SIP revision to designate Salt Lake County and Tooele County above 5600 feet as attainment for SO<sub>2</sub>. These are the only remaining Utah SO<sub>2</sub> non-attainment areas. New maintenance revisions for SO<sub>2</sub> were approved and are being submitted to USEPA for final approval. For more information, contact Colleen Delaney at (801) 536-4248.

**CONTROL MEASURES FOR AREA AND POINT SOURCES OF SO<sub>2</sub>** – The DEQ has adopted a new maintenance plan for SO<sub>2</sub>. The Plan supports Utah's request to USEPA that Salt Lake and eastern Tooele County be redesignated to attainment. The additions demonstrate that there have been no violations of the health standard for SO<sub>2</sub> since 1981, and that no violations are expected in the future. The rule was adopted and became effective on May 4, 2005. As of March 25, 2005, the amended rule has not been published. For more information, contact Jan Miller at (801) 536-4042.

**ADOPTION OF FEDERAL NEW SOURCE PERFORMANCE STANDARDS** – The DEQ adopted the federal New Source Performance Standards. Affected sources are: stationary gas turbines; bulk gasoline terminals and gasoline distribution facilities; volatile organic liquid storage vessels for which construction, reconstruction or modification commenced after July 1984; large municipal waste combustors for which construction commenced after September 2004, or for which modification or reconstruction is commenced after June 1996; synthetic organic chemical manufacturing industry; municipal solid waste landfills; and industrial-commercial-institutional steam generating units. The amendments were adopted at the Air Quality Board hearing held April 13, 2005. The amendments were effective on April 19, 2005. For more information, contact Jan Miller at (801) 536-4042. The notice of the proposed revisions is available at <http://rules.utah.gov/publicat/bulletin/2005/20050215/27665.htm>.

**FEDERAL DEFINITION OF VOLATILE ORGANIC COMPOUND** – The DEQ is considering the incorporation of the new federal definition of "volatile organic compound" into Utah rules. A hearing is scheduled for May 24, 2005. For more information, contact Jan Miller at (801) 536-4042.

#### WATER INFORMATION:

**TMDLS** – The DEQ is preparing TMDLs. Please see table below for location, criteria pollutants, and comments regarding development. For more information, contact Harry Judd at (801) 538-6047.

Water Body	Criteria Pollutant	Comments
Spirit Lake	Dissolved oxygen	Water body was delisted.
Strawberry Reservoir	Dissolved oxygen	Available for public review and comment. Comments were due April 22, 2005. <a href="http://waterquality.utah.gov/TMDL/Strawberry_study.pdf">http://waterquality.utah.gov/TMDL/Strawberry_study.pdf</a> <a href="http://waterquality.utah.gov/TMDL/Strawberry_Reservoir_Draft_TMDL.pdf">http://waterquality.utah.gov/TMDL/Strawberry_Reservoir_Draft_TMDL.pdf</a> <a href="http://waterquality.utah.gov/TMDL/Strawberry_Reservoir_Draft_TMDL_Appendix.pdf">http://waterquality.utah.gov/TMDL/Strawberry_Reservoir_Draft_TMDL_Appendix.pdf</a>
Tony Grove Lake	Dissolved oxygen	TMDLs are currently under development.
Utah Lake	Phosphorus and dissolved oxygen	TMDLs are currently under development.
Escalante River	temperature	Available for public review and comment. Comments were due April 15, 2005. <a href="http://waterquality.utah.gov/TMDL/Escalante%20Study.pdf">http://waterquality.utah.gov/TMDL/Escalante%20Study.pdf</a> <a href="http://waterquality.utah.gov/TMDL/Draft_Escalante_TMDL.pdf">http://waterquality.utah.gov/TMDL/Draft_Escalante_TMDL.pdf</a>
Paria River	total dissolved solids	Available for public review and comment. Comments were due April 15, 2005. <a href="http://waterquality.utah.gov/TMDL/Paria%20Study.pdf">http://waterquality.utah.gov/TMDL/Paria%20Study.pdf</a> <a href="http://waterquality.utah.gov/TMDL/Draft_Paria_TMDL.pdf">http://waterquality.utah.gov/TMDL/Draft_Paria_TMDL.pdf</a>
Silver Creek	cadmium and zinc	The TMDLs have been completed and approved by the USEPA. <a href="http://waterquality.utah.gov/TMDL/Silver_creek.htm">http://waterquality.utah.gov/TMDL/Silver_creek.htm</a>
Pineview Reservoir	temperature, dissolved oxygen, and total phosphorus	<a href="http://waterquality.utah.gov/TMDL/pineview.htm">http://waterquality.utah.gov/TMDL/pineview.htm</a>

**REISSUANCE OF THE GENERAL PERMIT FOR THE DISCHARGE OF TREATED GROUND WATER** – The DEQ has re-issued the general permit for the discharge of treated ground water. The renewal of the existing general permit addresses the discharge of treated ground water contaminated with petroleum products. The permit became effective on April 1, 2005. For more information, contact Jeff Studenka at (810) 538-6779.

**AMENDMENTS TO STATE WATER QUALITY STANDARDS** – The DEQ is proposing amendments to the state water quality standards in response to USEPA guidance that revise references to site specific criteria of various waterbodies and numeric criteria for the protection of aquatic life and human health. The amendments were approved by the Water Quality Board on April 7, 2005. One substantive change was made to the rule text. As such, the rule was released for a 30-day public notice period on May 1, 2005. Barring any adverse comment, the rule will become effective on June 1, 2005. For more information, contact David Wham at (801) 538-6052. A staff summary of the proposed changes is available at [http://waterquality.utah.gov/public%20notices/Staffstatement%20\\_WQStandards\\_1-15-05.pdf](http://waterquality.utah.gov/public%20notices/Staffstatement%20_WQStandards_1-15-05.pdf).

### WASTE INFORMATION:

None.

### OTHER INFORMATION:

**UPDATES TO THE UTAH RADIATION CONTROL RULES** – The DEQ is proposing updates to the Utah Radiation Control Rules to maintain compatibility with the federal requirements. Changes proposed include: definitional corrections; clarification of how deep dose equivalents and shallow dose equivalents are measured and determined; addition of a requirement that regulated persons perform a test for molybdenum contamination on particular radiopharmaceuticals that they produce; and corrections to references to the training and experience criteria for persons preparing radioactive drugs for medical use. Corrections to references to specific medical uses to allow regulated persons to have more flexibility in methods used to comply with the rule by replacing prescriptive requirements with risk informed, performance-based requirements will also be added. Comments were due on May 2, 2005. The rule may become effective on May 13, 2005. For more information, contact Gwyn Galloway at (801) 536-4250. The notice of the rulemaking proceeding is available at <http://rules.utah.gov/publicat/bulletin/2005/20050401/content.htm>.

### **Legislative Developments**

The 2005 legislative session began January 17, 2005 and ended March 2, 2005. For information on the 2005 legislative session, link: <http://www.le.state.ut.us/>.

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## WYOMING

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### Regulatory Developments & Other State Information

#### AIR INFORMATION:

None.

#### WATER INFORMATION:

None.

#### WASTE INFORMATION:

#### **AMENDMENTS TO THE VOLUNTARY REMEDIATION PROGRAM (VRP) FACT SHEETS –**

The Wyoming Department of Environmental Quality (DEQ) is proposing amendments to the VRP fact sheets. Changes are proposed for fact sheets 3, 11, 12, 14, 19, 20 and 21. Fact sheets 22 and 23 are being resubmitted. The changes to the fact sheets were approved at the March 3, 2005 meeting with minor editorial changes. The updates will be complete as the fact sheets do not need to follow the formal rulemaking process in order to be amended. Fact sheets 24-30 will be proposed for amendment in the coming months. For more information, contact David Finley at (307) 777-7752. Copies of the fact sheets are available at <http://deq.state.wy.us/volremedi/index.asp>.

#### Legislative Developments

The 2005 legislative session began January 11, 2005 and ended March 4, 2005. For information on the 2005 legislative session, link: <http://legisweb.state.wy.us>.

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